

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Kansas Board of Pharmacy
Agency

Alexandra Blasi
Agency Contact

785-296-8419
Contact Phone Number

68-2-5 and 68-5-16
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

K.A.R. 68-2-5 is being amended to clarify the requirements for notifying the Board of resignation as a pharmacist-in-charge of a pharmacy, including the opportunity to provide earlier notification.

K.A.R. 68-5-16 is being amended to increase the ratio of pharmacy technicians to pharmacists in the pharmacy from 3:1 to 4:1.

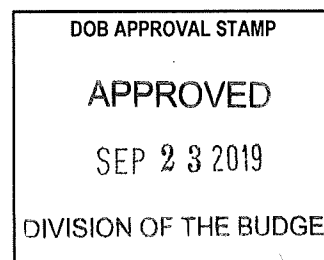
II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)*

Regulations are not mandated by the federal government. Amendments are consistent with other states increase the pharmacy technician ratio, some eliminating altogether.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The Board anticipates minimal impact on business activities or growth. KAR 68-5-16 sets the maximum number of pharmacy technicians that can be working in a pharmacy under the supervision of one on-duty pharmacist. If technicians have passed a certification exam approved by the Board (now required for all technicians within two years of entry into the profession), the pharmacy will be able to employ four technicians instead of three for each supervising pharmacist. The Board anticipates many pharmacies will choose to operate at the increased ratio allowing more help within the pharmacy and a potential increase in the number of employees staffed during shifts. KAR 68-2-5 is merely a clarification of current Board operating practice and no economic impact is anticipated.



- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

Any economic impact would be specifically related to the cost of staffing and cost/benefit of increased production depending on how pharmacies choose to operate and would be impossible to quantify. There is no mandate that pharmacies operate at the increased ratio or make any change resulting from these amendments. There is minimal risk to the public at this increased ratio based on studies from other states that have increased or eliminated the ratio.

- C. Businesses that would be directly affected by the proposed rule and regulation;**

Pharmacies registered in Kansas

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

K.A.R. 68-5-16: Increased ability of pharmacies to capitalize on efficiencies and increased productivity in providing services to patients by adding one additional staff person for each supervising pharmacist on duty.

K.A.R. 68-2-5: Clarification of timeline and method of notification to the Board for resignation of pharmacist-in-charge.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

Utilization of existing Board forms, resources, and processes.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

\$0

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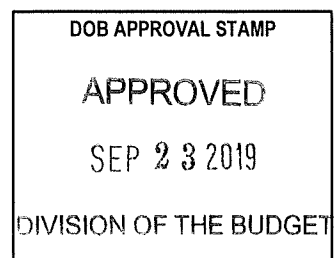
\$0

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

n/a



Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

n/a

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

KAR 68-5-16 amendments are based on recommendations from the Board's pharmacy technician task force which met for approximately two years to discuss and weigh the risks and benefits of increasing the technician ratio. Any member of the Board's licensee and registrant population was allowed to participate in the task force, which was publicized by the Board.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

n/a

